

MPP/TITLE 22. DEPARTMENT OF SOCIAL SERVICES
NOTICE OF PROPOSED CHANGES IN REGULATIONS

ITEM # 3 Incidental Medical Services Clean-up Regulations

ORD #0801-16

The California Department of Social Services (CDSS) hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held April 17, 2002, as follows:

April 17, 2002
Office Building # 9
744 P St. Auditorium
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by telefax to the address/number listed below. All comments must be received by 5:00 p.m. on April 17, 2002.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are also available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

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CHAPTERS

Community Care Licensing, Title 22, Division 6, Chapter 1 – General Licensing Requirements, Section 80001 (Definitions), Section 80006 (Operation Without A License), Section 80061 (Reporting Requirements), Section 80065 (Personnel Requirements), Section 80068.3 (Modifications to Needs and Services Plan), Section 80071 (Register of Clients), Section 80075 (Health-Related Services), Section 80077.2 (Care for Clients Who Rely Upon Others to Perform all Activities of Daily Living), Section 80077.3 (Care for Clients Who Lack Hazard Awareness or Impulse Control), Section 80077.4 (Care for Clients with Incontinence), Section 80087 (Buildings and Grounds), Article 8 (Incidental Medical Services), Section 80090 (Health and Safety Services), Section 80092.1 (General Requirements for Restricted Health Conditions), Section 80092.2 (Restricted Health Condition Care Plan), Section 80092.3 (Inhalation-Assistive Devices), Section 80092.4 (Colostomy/Ileostomy), Section 80092.6 (Indwelling Urinary Catheter/Catheter Procedure), Section 80092.7 (Staph or Other Serious, Communicable Infections), Section 80092.8 (Insulin-Dependent Diabetes), Section 80092.9 (Wounds), Section 80092.10 (Gastrostomy Feeding, Hydration, and Care), Section 80092.11 (Tracheostomies), and Section 80095 (Clients in Care at Time of Final Adoption of Regulations).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

These proposed Community Care Licensing Division (CCLD) regulations amend specific provisions in Title 22, Division 6, Chapter 1, General Licensing Requirements.

In 1996, the passage of AB 2835 specified which incidental medical services would be provided in adult community care facilities. It also specified the conditions under which these services would be provided and which medical services were prohibited. In 1997, AB 1545 further amended Section 1506 of the Health and Safety Code to authorize unlicensed caregivers trained by a licensed healthcare professional to provide incidental medical services in Community Care Facilities (CCFs).

To implement this legislation, the Incidental Medical Services (IMS) regulations became effective in October 1998 and CCFs began accepting and retaining clients who have certain medical conditions that were previously not allowed.

This proposed regulation action will provide clean up. Grammatical errors, redundant language and inconsistencies have been identified and corrected. These Incidental Medical Services Cleanup regulations also provide clarity by adding language to existing requirements reported to be unclear or difficult to understand.

COST ESTIMATE

1. Costs or Savings to State Agencies: None.
2. Costs to Local Agencies or School Districts: None.
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: None.

LOCAL MANDATE STATEMENT

These regulations do not impose a mandate upon local agencies or school districts. There are no state-mandated local costs in these regulations which require state reimbursement under Section 17500, et seq. of the Government Code.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is an impact on small businesses.

ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Health and Safety Code Section 1530. Subject regulations implement and make specific Health and Safety Code Section 1530.

CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person: Anthony J. Velasquez (916) 657-2586
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CDSS REPRESENTATIVE REGARDING SUBSTANCE OF THE PROPOSED REGULATION

Program Contact: Shauneen Zupan (916) 324-4043
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AGENDA ITEMS FOR THIS PUBLIC HEARING - April 17, 2002

- ITEM #1 ORD #0801-17 - Automated External Defibrillation Regulations
- ITEM #2 ORD #1201-22 - California Food Assistance Program
- ITEM #3 ORD #0801-16 - Incidental Medical Services Clean-up Regulations
- ITEM #4 ORD #1201-24 AB 1692 CalWORKs Amendments
- ITEM #5 ORD #1201-23 CalWORKs 60-Month Time Limit Procedures